

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**BELINDA RODRIGUEZ, individually and as
Parent and Natural Guardian of M.R., an infant;
JORGE RUCAL, individually and as Parent and
Natural Guardian of M.R., an infant,**

Plaintiffs

v.

**5:15-CV-1178
(FJS/ATB)
(Lead Case)**

**CHRISTIE WALKER, M.D.; ALI J. DOYLE, M.D.;
CYNTHIA STRESING, N.P.; NICHOLAS
BARANCO, M.D.; MICHAEL MASTROLEO,
RPA-C; JAMES MILLS, M.D.; and CROUSE
HOSPITAL,**

Defendants.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**BELINDA RODRIGUEZ, individually and as the
Parent and Natural Guardian of M.R., an infant;
JORGE RUCAL, individually and as the Parent and
Natural Guardian of M.R., an infant,**

Plaintiffs

v.

**5:17-CV-435
(FJS/ATB)
(Member Case)**

UNITED STATES OF AMERICA,

Defendant.

ORDER

Pending before the Court is Plaintiffs' motion to dismiss their state-law claims against Defendants Christie Walker, M.D., Ali J. Doyle, M.D., Nicholas Baranco, M.D., Michael Mastroleo, RPA-C, and James Mills, M.D., and to refer their state-law claims against Defendants Crouse Hospital and Cynthia Stresing, N.P. back to New York Supreme Court so that they can proceed with those claims in that forum.¹ *See* Dkt. No. 102. Defendants take no position with regard to Plaintiffs' motion. *See* Dkt. Nos. 103, 104, 106.

Accordingly, the Court hereby

ORDERS that Plaintiffs' motion is **GRANTED**; and the Court further

ORDERS that Plaintiffs' state-law claims against Defendants Christie Walker, M.D., Ali J. Doyle, M.D., Nicholas Baranco, M.D., Michael Mastroleo, RPA-C, and James Mills, M.D. in *Rodriguez v. Stanley*, 5:15-CV-1178 are **DISMISSED at Plaintiffs' request**; and the Court further

ORDERS that Plaintiffs' state-law claims against Defendants Crouse Hospital and Cynthia Stresing, N.P. in *Rodriguez v. Stanley*, 5:15-CV-1178 are **REMANDED** to New York Supreme Court, Onondaga County from where they were removed; and the Court further

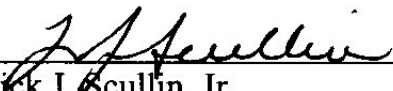
¹ Plaintiff originally filed the Lead Case, *Rodriguez v. Stanley*, 5:15-CV-1178, in New York State Supreme Court, Onondaga County on February 26, 2015, Index No. 2015EF947. Subsequently, certain Defendants, who were employees of the United States, removed the action to this Court, after which the United States was substituted as a Defendant in their places and the claims against those individuals were dismissed. *See Rodriguez v. Stanley*, 5:15-CV-1178, Dkt. Nos. 1, 9. Subsequently, Plaintiffs filed the Member Case, *Rodriguez v. United States*, 5:17-435, on April 18, 2017. By Text Order dated October 26, 2017, Magistrate Judge Baxter consolidated the two actions for pretrial proceedings only. *See Rodriguez v. United States*, 5:17-435, Dkt. No. 20.

ORDERS that the Clerk of the Court shall mail a certified copy of the order of remand to the Clerk of New York Supreme Court, Onondaga County pursuant to 28 U.S.C. § 1447; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in *Rodriguez v. United States*, 5:17-CV-435, consistent with the terms of Plaintiffs and Defendant United States' Stipulation and Compromise Settlement and Release of the Federal Tort Claims Act claims pursuant to 28 U.S.C. § 2677 and close both cases.

IT IS SO ORDERED.

Dated: January 12, 2022
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge